

Amendment No. 2 to HB0647

Hawk
Signature of Sponsor

AMEND Senate Bill No. 1313

House Bill No. 647*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a) For records other than those involving workers' compensation cases:

(1) The party requesting the patient's medical records in paper format is responsible to the provider or the provider's third-party release of information provider for the reasonable costs of copying and mailing the patient's records.

Such reasonable costs must not exceed:

(A) Twenty-five dollars (\$25.00) for paper copies of medical records five (5) pages or less in length;

(B) Fifty cents (50¢) per page for each page copied after the first five (5) pages;

(C) The actual cost of mailing; and

(D) For producing radiology images in hard copy, no more than twenty dollars (\$20.00) per printed film;

(2) The party requesting the patient's records in electronic format is responsible to the provider or the provider's third-party release of information provider for the following fees:

(A) The reasonable fees for fulfilling a patient's request for the patient's own records are governed by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (42 USC § 1320d et seq.), and

the Health Information Technology for Economic and Clinical Health (HITECH) Act (42 USC § 201 et seq.), and those acts implementing regulations, which must not exceed the cost of the following:

- (i) Labor for copying the protected health information requested by the individual;

- (ii) Supplies for creating the paper copy, or electronic media if the individual requests that the electronic copy be provided on portable media; and

- (iii) Postage, when the individual has requested the copy, or summary or explanation, be mailed; and

(B) For all other requesters, the total fees for electronic medical records provided via portable media, electronic mail, or medical record portal, must comply with the following:

- (i) The total charges must be no more than twenty-five dollars (\$25.00) for records ten (10) pages or less in length;

- (ii) The total charges must be no more than twenty-five cents (25¢) per page for each page after the first ten (10) pages, up to ninety dollars (\$90.00);

- (iii) The mailing costs and applicable taxes, if any, must be the actual mailing costs and applicable taxes;

- (iv) The fee for producing electronic copies of radiology images must be no more than twenty-five dollars (\$25.00) per request for CD, DVD, or USB, or fifteen dollars (\$15.00) per request for electronic files emailed or sent via medical record portal;

(v) A certification or notary fee, if certification or notarization is requested, must be charged as a flat fee of twenty dollars (\$20.00);

(vi) Charges for copying paper records or faxing paper records are subject to the limits set in subdivision (a)(1); and

(vii) The fees charged for reproducing records of patients involved in a claim or appeal of denial for social security disability benefits must be a flat fee of twenty dollars (\$20.00), only when the records are produced electronically;

(3) Upon request, a person providing records pursuant to § 63-2-101 shall provide the records in electronic form unless the records are not kept in electronic form in the usual course of business;

(4) A third-party release of information provider of record copying and related services is subject to the fee limits contained in this section and shall not impose a charge or fee for such service in excess of such fee limits;

(5) The fees charged for reproducing records of patients involved in a workers' compensation claim are as specified in § 50-6-204; and

(6) A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department of health pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.